



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,061	03/01/2002	Gary Qu Jin	12917-US	8160

33361 7590 12/14/2006

ADAMS PATENT & TRADEMARK AGENCY
P.O. BOX 11100, STATION H
OTTAWA, ON K2H 7T8
CANADA

EXAMINER

WANG, TED M

ART UNIT PAPER NUMBER

2611

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,061

Applicant(s)

JIN, GARY QU

Examiner

Ted M. Wang

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,5-9,11,13 and 15-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,5-9,11,13,15-18,21 and 22 is/are rejected.
- 7) ☒ Claim(s) 19 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04 October 2006 has been entered.

Response to Arguments

2. Applicants' amendments and arguments, filed on 10/04/2006, with respect to Claims 2, 5-9, 11, 13 and 15-21 have been fully considered. The 35U.S.C. 103(a) rejection has been overcome by rewritten those objected claims – dependent claims in independent form including all of the limitations of the base claim and any intervening claims.

Claim Objections

3. Claims 8, 11, 16, and 22 are objected to because of the following informalities:

- Claims 8, 11, 16 and 22 are objected because a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation, 37 CFR1.75(i).
- Claim 11, line 2, after "the step of" insert --- : ---.

4. The claims 2, 5-9, 11, 13 and 15-22 are objected to because the lines are crowded too closely together, making reading difficult. Substitute claims with lines one

Art Unit: 2611

and one-half or double spaced on good quality paper are required. See 37

CFR 1.52(b).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 7-9 and 16 are rejected under 35 U.S.C. 112 second paragraph, because there is insufficient antecedent basis for this limitation in the claim.

- Claim 7, the limitation "said absolute value $|M|$ " in line 2 as recited is insufficient antecedent basis for this limitation in the claim since "absolute value $|M|$ " has not been introduced previously in the claim or depended claims 6, 5 and 17.
- Claim 8, the limitation "said predetermined maximum level" in line 16 as recited is insufficient antecedent basis for this limitation in the claim since "predetermined maximum level" has not been introduced previously in the claim.
- Claim 9, the limitation "the time domain signal $x(n_1)$ " in line 16 as recited is insufficient antecedent basis for this limitation in the claim since "time domain signal $x(n_1)$ " has not been introduced previously in the claim or depended claim 8.
- Claim 16, the limitation "said absolute value" in line 16 as recited is insufficient antecedent basis for this limitation in the claim since "absolute value" has not been introduced previously in the claim.

Art Unit: 2611

7. Claims 2, 5, 6, 7, 11, 13, 15, 17, 18, 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

- Claim 11, the limitation "between samples" in line 6 as recited is indefinite since it is not clear that "what samples" are being referred to.
- Claim 17, the limitation "between samples" in line 14 as recited is indefinite since it is not clear that "what samples" are being referred to.
- Claim 21, the limitation "between samples" in line 13 as recited is indefinite since it is not clear that "what samples" are being referred to.
- Claim 22, the limitation "between samples" in line 6 as recited is indefinite since it is not clear that "what samples" are being referred to.

Allowable Subject Matter

8. Claims 19 and 20 would be allowable if rewritten to overcome the objection(s) set forth in this Office action.

9. Claims 2, 5-9, 11, 13, 15-18, 21 and 22 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

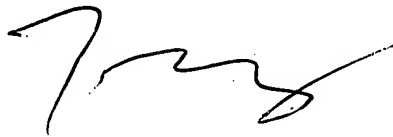
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted M. Wang whose telephone number is 571-272-3053. The examiner can normally be reached on M-F, 7:30 AM to 5:00 PM.

Art Unit: 2611

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on 571-272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ted M. Wang

A handwritten signature in black ink, appearing to read 'Ted M. Wang', with a stylized, cursive script.

Ted M Wang
Examiner
Art Unit 2611